

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NEW JERSEY TRANSIT RAIL
OPERATIONS, INC.,

Plaintiff,

v.

BROTHERHOOD OF LOCOMOTIVE
ENGINEERS AND TRAINMEN, and
BROTHERHOOD OF LOCOMOTIVE
ENGINEERS AND TRAINMEN,
GENERAL COMMITTEE OF
ADJUSTMENT, NEW JERSEY
TRANSIT RAIL OPERATIONS,
*previously pled as the "Brotherhood of
Locomotive Engineers and Trainmen",*

Defendants.

Civil Action No. 1:22- 4139 (CPO)(SAK)

**ORDER GRANTING EXPEDITED
DISCOVERY**

THIS MATTER having been opened to the Court by way of Order to Show Cause and Complaint filed by plaintiff New Jersey Transit Rail Corporation, Inc. ("NJT") (Docket Entry No. 1); and NJT having sought the imposition of a Temporary Restraining Order and Expedited Discovery by way of supplemental letter application on June 19, 2022 (Docket Entry No. 8); and the Court having held an emergency hearing on NJT's application for Temporary Restraints and Expedited Discovery on June 19, 2022 (Docket Entry No. 10); and the Court having granted NJT's application for Temporary Restraints and Expedited Discovery and memorialized same in an Order (Docket Entry No. 11); and counsel for NJT and defendant Brotherhood of Locomotive Engineers and Trainmen, General Committee of Adjustment, New Jersey Transit Rail Operations, *previously pled as the "Brotherhood of Locomotive Train Engineers and Trainmen"* (hereinafter "BLET") having agreed to the entry of a Preliminary Injunction against BLET and scheduling and other related matters including the adjournment of expedited discovery deadlines set by the Court's June

19, 2022 order; and the Court having entered the Preliminary Injunction and granted the Parties' request to adjourn deadlines for expedited discovery; and the Court having held a Rule 16 conference on July 5, 2022; and NJT having requested new deadlines for BLET's production of expedited discovery; and BLET having opposed NJT's request; and NJT having agreed to pare down its expedited discovery requests; and the Court having heard the arguments of NJT, BLET and defendant Brotherhood of Locomotive Train Engineers and Trainmen (the "National Union"); and as ordered during the July 5, 2022 conference and for other good cause shown,

IT IS on this 8th day of July, 2022;

ORDERED that NJT's narrowed request for expedited discovery is **GRANTED**; and it is further,

ORDERED that BLET shall produce discovery responsive to the following four topics no later than July 19, 2022:

1. The email from James Brown or transmitted on Mr. Brown's behalf in June 2022, regarding the Juneteenth Holiday, as referenced by the Court and/or Mr. Brown during the June 19, 2022 hearing. The document(s) shall be produced in either native or PDF format, so as to show transmittal and header information, including, *inter alia*, sender email addresses, recipient (to, cc or bcc) email addresses, date, time, receipts, etc...
2. Any replies, responses (individually or otherwise) or forwards of any replies or responses to the aforementioned June 2022 email received between June 12 and June 20, 2022. Such emails should be produced in a form or provide transmittal and header information as set forth in paragraph 1 above.
3. All text messages (whether SMS, MMS, RCS, in-App (e.g. iMessage, What's App, Signal or other applications) or other messaging services) between and among two or more of BLET's Executive Committee members (James P. Brown, Thomas F. Haas, Daniel Feyjoo, Donald Melhorn, and Lawrence Brain) related in any way to the subject matter of the Amended Complaint. For expediency, the document(s) may be produced as "screenshots", provided that the original messages are maintained for future discovery; and
4. All documents, copies, printouts, and/or screenshots of the BLET private Facebook group including all posts and comments for the week of June 12, 2022, through June 19, 2022,

that refer or relate in any way to the subject matter of the Amended Complaint, as well as the identities of any administrators of said Facebook group.

5. To the extent this Order conflicts or is otherwise inconsistent with paragraph 3 of the Court's July 7, 2022 Scheduling Order [ECF No. 36], this Order shall control.



HONORABLE SHARON A. KING
United States Magistrate Judge